



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, शुक्रवार, 12 मई, 1961/22 वैशाख, 1883

HIMACHAL PRADESH ADMINISTRATION

LAW DEPARTMENT

NOTIFICATION

Simla-4, the 2nd May, 1961

No. 1-8/61-LR.—The Hindu Marriage (Amendment) Bill, 1960 as introduced in the Lok Sabha on 26th August, 1960, and the Statement of Objects and Reasons are hereby published in the Himachal Pradesh Administration Gazette for the purpose of eliciting opinion thereon. Any person or public body desiring to submit an opinion on the Bill should send the same to the Under Secretary (Judicial) to Himachal Pradesh Administration, Simla, for onward transmission to the Lok Sabha Secretariat. The opinion should not be sent direct to the Lok Sabha Secretariat or to any Ministry of the Government of India. The opinion should reach the Under Secretary (Judicial) by the 15th June, 1961.

S. R. MAHANTAN,
Under Secretary (Judicial).

BILL No. 35 OF 1960.

HINDU MARRIAGE (AMENDMENT) BILL, 1960

(As introduced in Lok Sabha)

A

BILL

to amend the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This act may be called the Hindu Marriage (Amendment) Act, 1960.

(2) It shall come into force at once.

2. *Amendment of section 23.*—In section 23 of the Hindu Marriage Act, 1955 after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) In any proceedings under this Act, whether defend or not, if the court comes to the finding that the ground of the petition is the ground specified in clause (f) of sub-section (1) of section 10, or in clause (i) of sub-section (1) of section 13 and that such ground is false it shall grant damages by decree in favour of the person defamed thus in the same proceedings upto a maximum of five thousand rupees, whatever be the fate of the petition on other grounds.”

STATEMENT OF OBJECTS AND REASONS

It has been observed that false and frivolous allegation of the nature mentioned in clause (f) of sub-section (1) of section 10, or in clause (i) of sub-section (1) of section 13 of the Hindu Marriage Act, 1955 are made in the petition under this Act to coerce or defame the other party, which ultimately fail but cause harm to the reputation and character of the aggrieved party.

A detorrent is needed to the making of such false and frivolous allegations, and the only way is to vest the Courts with power to grant damages, where such allegations prove false, whatever the fate of the petition be on other grounds.

Hence this Bill.

NEW DELHI;

AJIT SINGH SARHADI.

Dated the 9th July, 1960.

ANNEXURE

Extract from the Hindu Marriage Act, 1955

23. (1) In any proceeding under this Act, whether defended or not, if the Court is satisfied that—Decree in proceedings.

(a) Any of the grounds for granting relief exists and the petitioner is not in any way taking advantage of his or her own wrong or disability for the purpose of such relief; and

(b) where the ground of the petition is the ground specified in clause (f) of sub-section (1) of section 10, or in clause (i) of sub-section (1) of section 13, the petitioner has not in any manner been accessory to or connived at or condoned the act or acts complained of, or where the ground of the petition is cruelty the petitioner has not in any manner condoned the cruelty; and

- (c) the petition is not presented or prosecuted in collusion with the respondent; and
- (d) there has not been any unnecessary or improper delay in instituting the proceeding; and
- (e) there is no other legal ground why relief should not be granted;

then, and in such a case, but not otherwise the court shall decree such relief accordingly.

(2) Before proceeding to grant any relief under this Act, it shall be the duty of the Court in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavour to bring about a reconciliation between the parties.
